

**BOIES, SCHILLER & FLEXNER LLP**

575 LEXINGTON AVENUE • 7th FLOOR • NEW YORK, NY 10022 • PH. 212-446-2300 • FAX 212-446-2350

USDC-SDNY  
DOCUMENT  
ELECTRONICALLY FILED

DOC#

FILED: 1/4/17

MATTHEW L. SCHWARTZ

Tel.: (212) 303-3646

E-mail: mlschwartz@bsfllp.com

January 4, 2017

**BY ELECTRONIC MAIL**

Hon. Ronnie Abrams  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Application granted. Mr. Archer will report daily to his Pretrial Services Officer while he is away and will surrender his wife and children's passports to Pretrial Services while he is out of the country. The attached Exhibit will be filed under seal as it contains private travel information.

**Re: *United States v. Jason Galanis, et al.*, 16 Cr. 371 (RA)**

Dear Judge Abrams:

SO ORDERED.

Ronnie Abrams, U.S.D.J.

January 4, 2017

We represent Devon Archer, one of the defendants in the above-referenced case. I write to respectfully request the Court's permission for Mr. Archer to take a business trip to Vietnam and China. Your Honor has five times previously granted Mr. Archer permission to travel internationally on business, which he did without incident on each occasion, including to Italy, England, Spain, Latvia, Lithuania, Russia, and China. As before, the Court's Pretrial Services Office consents to this request, but the Government objects.

The proposed trip would be from January 16 through January 24, in Beijing, China, and Ho Chi Ming City, Vietnam to attend board and management meetings in China for a company in which Mr. Archer has a material ownership interest, and to conduct due diligence and meet with representatives of a potential portfolio company or acquisition in Vietnam.<sup>1</sup> As usual, Mr. Archer has provided an itinerary to his Pretrial Services Officer, who as noted consents to this request. A copy of Mr. Archer's proposed flight and hotel information is attached as Exhibit A, which we respectfully request to be filed under seal.

On five prior occasions, the Court has permitted Mr. Archer to travel internationally for business. On each occasion, Mr. Archer returned on time and without incident, after surrendering his wife's and three young children's passports to Pretrial Services for the duration of his travel (except once, when Your Honor permitted his wife to travel with him as well). In addition, Mr. Archer has reported to Pretrial Services daily while away, and has executed and provided to the United States Attorney's Office an open-ended waiver of extradition, in the form

<sup>1</sup> To be clear, the company that Mr. Archer proposes to travel to Vietnam to visit would not be a personal investment, but an investment made by the same company for which he is attending board meetings in China.

requested by the Government, which covered not only his business trips but the entire duration of proceedings in this case. Specifically:

- On June 13, 2016, Your Honor permitted Mr. Archer to travel on business to Italy.
- On July 26, 2016, Your Honor permitted Mr. Archer and his wife, Dr. Archer, to travel on business to Latvia.
- On September 9, 2016, Your Honor permitted Mr. Archer to travel on business to China.
- On October 17, 2016, Your Honor permitted Mr. Archer to travel on business to England and Lithuania. On October 21, 2016, Your Honor further granted permission for Mr. Archer to modify his itinerary to include business travel to Russia.
- Most recently, on November 28, 2016, Your Honor permitted Mr. Archer to travel on business to England and Spain.

In short, Mr. Archer has proven that he is no risk of flight. As we have previously explained, the evidence that Mr. Archer is not a flight risk is not limited to these five prior international trips. In the interests of judicial economy, we will not repeat all of those reasons here, and respectfully refer the Court to our prior correspondence on this issue. *See* ECF Nos. 41, 62, 78, 83, 84, and 98.

As before, if the Court permits him to travel, Mr. Archer will report daily to his Pretrial Services Officer while he is away, and will surrender his wife's and three young children's passports to Pretrial Services while he is out of the county. Accordingly, on behalf of Mr. Archer, I respectfully request that he be permitted to travel to China and Vietnam for business on January 16-24, 2017.

Thank you for your consideration of this request.

Respectfully,

/s/ Matthew L. Schwartz  
Matthew L. Schwartz

cc: BY ELECTRONIC MAIL

AUSAS Brian Blais, Aimee Hector, and Rebecca Mermelstein  
U.S. Pretrial Services Officer Andrew R. Kessler-Cleary